

107TH CONGRESS  
2D SESSION

# H. R. 3753

To reinstate and transfer a hydroelectric license under the Federal Power Act to permit the redevelopment of a hydroelectric project located in the State of New York, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2002

Mr. SWEENEY introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To reinstate and transfer a hydroelectric license under the Federal Power Act to permit the redevelopment of a hydroelectric project located in the State of New York, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       The Congress finds that actions by the Federal En-  
5       ergy Regulatory Commission (“FERC”) leading to the ac-  
6       ceptance and approval of the surrender of a hydroelectric  
7       license for Project No. 2696, including, but not limited  
8       to, the FERC’s failure to ensure, during the effective pe-

1 riod of the issued hydroelectric license, that the project's  
2 facilities were adequately maintained, rendered the project  
3 unfit for operation and thereby wasting the hydraulic po-  
4 tential of waters of the United States.

5 **SEC. 2. REINSTATEMENT AND TRANSFER.**

6 (a) REINSTATEMENT AND TRANSFER OF FEDERAL  
7 LICENSE FOR PROJECT NUMBERED 2696.—Notwith-  
8 standing section 8 of the Federal Power Act (16 U.S.C.  
9 801) or any other provision thereof the FERC is directed  
10 to reinstate the license for Project No. 2696 and to trans-  
11 fer the license, without delay or the institution of any pro-  
12 ceedings, to the town of Stuyvesant, New York, holder of  
13 Federal Energy Regulatory Commission Preliminary Per-  
14 mit No. 11787, within 30 days of enactment of this Act.

15 (b) EXTENSION OF LICENSE UPON PROJECT'S RE-  
16 TURN TO OPERATION.—The Federal Energy Regulatory  
17 Commission is directed to extend the expiration of the  
18 term of the license for Project No. 2696 to August 31,  
19 2025, if the project's generating capability to a minimum  
20 level of 1 MW on a reliable basis within 2 years of enact-  
21 ment of this Act.

22 (c) HYDROELECTRIC INCENTIVES.—Project No.  
23 2696 shall be entitled to the full benefit of any legislation  
24 passed by Congress that promotes hydroelectric develop-

1 ment within 2 years either before or after this Act's effec-  
2 tive date.

3 (d) PROJECT FINANCING AND DEVELOPMENT.—The  
4 Federal Energy Regulatory Commission shall permit the  
5 town to add as a co-licensee any private or public entity  
6 or entities to the reinstated license at any time, not with-  
7 standing the issuance of a preliminary permit to the town  
8 of Stuyvesant and any consideration of municipal pref-  
9 erence. The town shall be entitled, to the extent that funds  
10 are available or shall be made available, to receive loans  
11 under section 402 and 403 of the Public Utility Regu-  
12 latory Policies Act of 1978 (16 U.S.C. 2702 and 2703),  
13 or similar programs, for the reimbursement of feasibility  
14 studies, or development costs, or both, incurred since Jan-  
15 uary 1, 2001 through and including December 31, 2006.

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